

**Chapter 5.74****HARMFUL MATTER**

(3049-8/90)

**Sections:**

- 5.74.010 Harmful matter
- 5.74.020 Definitions
- 5.74.030 Penalty

**5.74.010 Harmful Matter.** No person shall display or cause to be displayed, matter which is harmful to minors in a place open to the public other than a public place from which minors are excluded, unless there is placed a blinder rack in front of the material so that at least the lower two-thirds of the material is not exposed to view. (3049-8/90)

**5.74.020 Definitions.**

- (a) **Harmful Matter.** For the purposes of this Chapter, the terms "harmful matter" and "matter" shall have the definitions contained within California Penal Code Section 313 et seq. (Chapter 7.6 "Harmful Matter") or any successor statute. (3049-8/90)
- (b) **Blinder Rack.** An opaque device which serves to obscure harmful matter completely from view. (3049-8/90)
- (c) **Display.** The term display, for purposes of this section, shall be construed liberally and shall include, but not be limited to, any of the following: exhibiting, selling, offering for sale, advertising, promoting, showing, or storing, matter in an area visible to the general public. (3049-8/90)

**5.74.030 Penalty.** Any person violating the provisions of this Chapter by displaying or causing to be displayed such harmful matter or by permitting such harmful matter to be displayed on property owned, leased or under the control of that person, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment in the County jail for not more than six months or by both such fine and imprisonment. Each person so violating this Chapter shall be guilty of a separate offense for each and every day during any portion of which any violations of this Chapter is committed." (3049-8/90)